

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN EWING, JR., by and through his
Next Friend, NANCY PRICE, ESQ.,)
)
 Plaintiff,)
)
 v.)) No. 4:06-CV-1724 CAS
)
 UNITED STATES MARSHALS)
 SERVICE, et al,)
)
 Defendants.)

ORDER

This closed matter is before the Court on the amended motion for compensation of services and reimbursement of out-of-pocket expenses filed by plaintiff's appointed counsel Mr. Benjamin A. Stringer. Mr. Stringer requests attorney's fees in the amount of \$5,000.00 for over 36 hours of attorney time incurred over the period of one and a half years, and out-of-pocket expenses in the amount of \$2,766.26 from the Eastern District of Missouri's Attorney Admission Fee Non-Appropriated Fund.

All applications for disbursement of funds from the Attorney Admission Fee Non-Appropriated Fund are governed by Local Rules 12.03 and 12.06, the Administrative Order of January 15, 2008 concerning the Attorney Admission Fee Non-Appropriated Fund, and the Regulations Governing the Disbursement of Funds from the Non-Appropriated Fund for Attorney's Fees and Out-of-Pocket Expenses Incurred by Attorneys Appointed to Represent Indigent Parties in Civil Proceedings Pursuant to 28 U.S.C. § 1915(e), dated January 15, 2008 (the "Regulations").

The Regulations authorize the judge to whom a case is assigned to approve compensation of fees not to exceed \$5,000 and reimbursement of expenses not to exceed \$5,000. See Regulations, §§ B.2, B.3.

A. Compensation for Attorney's Fees.

The Regulations provide that the maximum reimbursement for attorney's fees in any one case is five thousand dollars. See Regulations §§ B.2 and D. The Court has reviewed the Out of Court Hourly Worksheet and attached bills and determines that the time claimed for attorney's fees expended was appropriate and reasonable. The Court will order that Mr. Stringer's request for compensation of services be granted in the amount of \$5,000.00 dollars.

B. Reimbursement of Expenses.

As stated above, counsel seeks reimbursement for out-of-pocket expenses in the amount of \$2,766.26. The Court recommends that the request be granted as follow:

1. Photocopies, long distance, and telecopies

Counsel seeks reimbursement of \$18.00 for telecopies and \$43.67 for long distance telephone calls. These expenses are supported by appropriate documentation, and the amounts will be allowed. See Regulations, § E.5. Counsel also seeks reimbursement for photocopies in the amount of \$326.75. This expense will be disallowed because it is not accompanied by documentation showing what was copied, the number of pages copied, or the rate per page. See Regulations, §§ E.5 and B.5.

2. Deposition expenses

Counsel seeks reimbursement for deposition transcripts in the amount of \$1,346.53. The Regulations provide,

The costs of transcripts or depositions shall not exceed the regular original page and copy rate established by the Judicial Conference of the United States and in effect at the time any transcript was filed or deposition was taken, unless some other rate

was previously approved by order of court. Except as otherwise ordered by the Court, only the cost of the original of any transcript or deposition together with the cost of one copy each where needed by counsel will be authorized.

Regulations, § E.1.

Counsel seeks reimbursement for the cost of depositions for Tracy Carroll, Jason Norwick, and Mahmood Hasan Choudhury, M.D., in the amount of \$724.50. The cost of these three depositions and related expenses, including copying and shipping will be allowed in total.¹ Mr. Stringer, however, has requested reimbursement for copies of transcripts for the remaining depositions that exceeds the regular copy rate of \$.90 per page, as established by the Judicial Conference of the United States. The costs of the remaining depositions will therefore be reduced by \$258.25. The Court will allow \$363.78 for the remaining depositions, representing 255 pages at \$.90 per page, plus related expenses. Total allowable reimbursement for depositions is \$1088.28.

3. Travel expenses.

Counsel seeks reimbursement of \$5.31 for travel expenses, which he represents is mileage. From the attached documentation, the Court cannot ascertain the destination, the reason for travel, or the mileage rate used to calculate the amount requested. This expense will be disallowed because it is not accompanied by the appropriate documentation. See Regulations, § E.2.

¹ Currently, the regular original page and copy rate established by the Judicial Conference of the United States are \$3.65 and \$.90 respectively. From the documentation, Mr. Stringer is requesting reimbursement for these three deposition for an original and copy of a transcript at a rate of \$4.50 a page, which is within the rates established by the Judicial Conference.

4. Investigative, Expert or Other Expenses

Counsel seeks reimbursement of \$425.00 for mediation and \$600.00 to compensate attorney Nancy Graven Price, who was appointed as next friend for the plaintiff, for the services she provided. Counsel has attached documentation to support these amounts, including a detailed bill from Ms. Price. The Court finds these costs are reimbursable as “other expenses” under the Regulations, and they will be allowed in total. Regulations, § E.7.

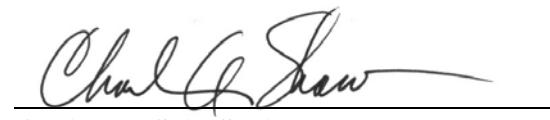
Accordingly,

IT IS HEREBY ORDERED that the Amended Motion for Attorney’s Fees and Costs filed by Benjamin A. Stringer is **GRANTED** to the extent that Mr. Stringer will be reimbursed for attorney’s fees in the amount of Five Thousand Dollars (\$5000.00), and for out-of-pocket expenses in the amount of Two Thousand One Hundred Seventy-Four Dollars and Ninety-Five Cents (\$2,174.95), for a total of Seven Thousand One Hundred Seventy-Four Dollars and Ninety-Five Cents (\$7,174.95). [Doc. 83]

IT IS FURTHER ORDERED that the Motion for Attorney’s Fees and Costs filed by Benjamin A. Stringer is **DENIED** as moot. [Doc. 81]

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly disburse to Mr. Benjamin A. Stringer from the Attorney Admission Fee Non-Appropriated Fund the sum of Seven Thousand One Hundred Seventy-Four Dollars and Ninety-Five Cents (\$7,174.95).

The Court wishes to express its appreciation to appointed counsel for his zealous efforts on behalf of plaintiff.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 12th day of May, 2010.